

Paired

Senator Metcalfe (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

Senate Concurrent Resolution '36

Senator Moore, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 36, Inviting Honorable Herbert C. Hoover to address a joint session of the Legislature.

Whereas, Honorable Herbert C. Hoover, the only living Ex-President of these United States will shortly be in Texas; and

Whereas, The Legislature of the State of Texas would feel itself honored if the Honorable Herbert C. Hoover would address a joint session of the Legislature; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we invite the Honorable Herbert C. Hoover to address a joint session of the House and Senate at a date and time convenient to him and upon such subject or subjects that he may choose; and be it further

Resolved, That the Lieutenant Governor and the Speaker of the House each appoint a committee of five to extend this invitation and to make the necessary and proper arrangements if such can be done.

MOORE,
SHIVERS,
WINFIELD,
WEINERT,
RAMSEY.

The resolution was read, and on motion of Senator Moore and by unanimous consent, it was considered immediately.

The resolution was adopted.

Adjournment

Senator Shivers moved that the Senate adjourn to 4:55 o'clock p. m. today.

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Cotten, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Beck	Lanning
Brownlee	Metcalfe
Cotten	Moffett
Graves	Morris
Hazlewood	Stone
Jones	Sulak
Lane	Vick

Nays—10

Aikin	Ramsey
Lovelady	Shivers
Martin	Weinert
Mauritz	Winfield
Moore	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The Senate, accordingly, at 4:55 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FORTY-FIRST DAY

(Thursday, March 25, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Bullock was granted leave of absence for today on account of illness, on motion of Senator Mauritz.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Lovelady.

Senators Fain, Formby, Spears, Kelley, and Lemens were granted leaves of absence for today on account of official business, on motion of Senator Mauritz.

Reports of Standing Committees

Senator Sulak submitted the following reports:

Austin, Texas,
March 25, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Printing to whom was referred S. B. No. 128, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee substitute do pass and be printed.

SULAK, Chairman.

Austin, Texas,
March 25, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred S. B. No. 278, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Communication from Senate Librarian

Senator Moore submitted at this time the following communication from Miss Theodosia Bell, Senate Librarian, which was read to the Senate:

Houston, Texas,
March 23, 1943.

My dearly beloved Senate: I sincerely thank you all for your generosity and kindness to me.

Everything possible was done that could be.

I will try and write each and every one of you as soon as I have the strength. I cannot say more at pres-

ent, as my heart is too full for utterance.

Again thanking you all and assuring you of my gratitude and appreciation.

Sincerely,

T. H. BELL, Senate Librarian,
2119 Chenevert St.,
Houston, Texas.

Dictated

Senate Resolution 63

Senator Moore offered the following resolution:

(Commending Miss Theodosia Bell)

Whereas, Our beloved librarian Miss Theodosia Bell has been ill and is now convalescing in her home in Houston, Texas; and

Whereas, For many years she has been a most faithful, efficient and valued employee of the Senate of Texas; now, therefore, be it

Resolved by the Senate of Texas, That we extend to Miss Bell our sympathy in her illness and we wish for her a speedy and complete recovery; and be it further.

Resolved, That we commend her for her long, faithful and diligent service.

MOORE.

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

The resolution was read.

On motion of Senator Shivers, and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted.

Senate Resolution 64

Senator Moore offered the following resolution:

Whereas, Honorable William Repass, aviator in World War I, keynoter at the State Democratic Convention of 1936, and now managing editor of the Houston Chronicle and a distinguished and outstanding citizen of Houston and the State of Texas, is within the City of Austin; and, therefore, be it

Resolved by the Senate of Texas, That Mr. Repass be welcomed to the

Senate, and that he be invited to make full use of his privileges to the floor of the Senate as a member of the press, and as our guest.

The resolution was read and was adopted.

House Concurrent Resolution 42

The President laid before the Senate, for consideration at this time:

H. C. R. No. 42, Relating to lending of certain equipment by the Highway Department to County of Grimes.

The resolution was read.

Senator Metcalfe offered the following amendment to the resolution:

Amend H. C. R. No. 42 by striking out of the resolving clause the word "this" and add after the word "equipment," the following:

"consisting of a grader, tractor, maintainer, fresnos, rock crusher, and a dump truck."

The amendment was adopted.

On motion of Senator Metcalfe the resolution (as amended) was tabled subject to call.

House Bill 100 on Third Reading

The President laid before the Senate, on its third reading and final passage:

H. B. No. 100, A bill to be entitled "An Act promulgating a statement of public policy; defining terms used in the Act; prescribing duties of labor unions; requiring the filing of certain information under oath with the Secretary of State; making the reports available to certain people; enacting regulations with reference to election of officers of labor unions; prohibiting financial contributions to political parties or candidates for office; releasing members who are serving in the armed forces from payment of back dues and assessments; requiring organizers to register with the Secretary of State and providing for the carrying of cards; requiring the filing of certain labor union agreements; making same available to certain parties; providing the statute of frauds is in no way vitiated; making it unlawful to make charges in excess of reasonable requirements; providing funds to remain under control of labor union members; enacting provisions relative to advance fees; making it unlawful for any

labor union to require fees as a work permit, providing for the keeping of books of accounts; providing for use of such records in legal proceedings; providing certain rights of members; providing a penalty; providing for enforcement of the Act by civil procedure; making it the duty of certain officials of the State to enforce the Act; providing for liberal construction of the Act; providing a saving clause; and declaring an emergency."

The bill was read third time.

On motion of Senator Moore, and by unanimous consent, the caption of the bill was ordered amended to conform with the body of the bill.

The bill then was passed by the following vote:

Yeas—15

Aikin	Moore
Beck	Morris
Brownlee	Ramsey
Lanning	Shivers
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Moffett	

Nays—8

Cotten	Lane
Graves	Stone
Hazlewood	Sulak
Jones	Vick

Absent—Excused

Chadick	Kelley
Fain	Lemens
Formby	Spears

Paired

Senator Metcalfe (present), who would vote "nay" with Senator Bullock (absent), who would vote "yea."

Senate Bill 282 Set as Special Order

Senator Hazlewood moved that S. B. No. 282 be set as a special order for Tuesday, March 30, 1943, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—16

Beck	Jones
Brownlee	Lane
Cotten	Lanning
Graves	Lovelady
Hazlewood	Mauritz

Metcalf
Moffett
Morris

Shivers
Stone
Vick

Nays—7

Aikin
Martin
Moore
Sulak

Weinert
Winfield
York

Absent

Ramsey

Absent—Excused

Bullock
Chadick
Fain
Formby

Kelley
Lemens
Spears

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 25, 1943.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills and
resolutions:

S. B. No. 30, "An Act amending
Article 1722, Revised Civil Statutes
of Texas, 1925, so as to authorize
the Supreme Court of Texas to trans-
fer books, papers, and publications
belonging to the Supreme Court
library in the State Capitol to the
library of the Law School of the
University of Texas, and to recall
same; etc.; and declaring an emer-
gency."

S. B. No. 36, "An Act making an
appropriation of Three Thousand Five
Hundred (\$3,500.00) Dollars to the
Attorney General for the purpose of
printing the Attorney General's An-
nual and Monthly Opinion Reports;
and declaring an emergency."

H. C. R. No. 75, Requesting the
War Production Board, Washington,
D. C., to renew its approval of the
application for the construction of
plants at Rusk, Texas.

H. C. R. No. 76, Granting each
House permission to adjourn from
Thursday, March 25, 1943, until Mon-
day, March 29, 1943.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Bills and Resolution Signed

The President signed in the pres-
ence of the Senate, after their cap-
tions had been read, the following
enrolled bills and resolution:

H. B. No. 430, A bill to be entitled
"An Act to amend Subsection 12 of
Article 199, Title 8, of the Revised
Civil Statutes of Texas, 1925, so as
to change the time and terms of
holding the 12th District Court in
Grimes, Walker, Leon, Trinity, and
Madison Counties, constituting the
Twelfth Judicial District of Texas;
etc.; and declaring an emergency."

H. B. No. 122, A bill to be entitled
"An Act providing for method of
selling and for disposing of records
now housed in the Confederate Home
and the Confederate Woman's Home."

H. C. R. No. 74, Authorizing cer-
tain corrections in H. B. No. 79.

H. B. No. 635, A bill to be entitled
"An Act directing officials charged
with the duty of the assessment and
collection of taxes in all counties in
this State where the United States
of America prior to January 1, 1943,
took possession of certain lands in
said counties under condemnation
proceedings and acquired the bene-
ficial title thereto, even though final
payment was not made for the lands
so taken prior to January 1, 1943, to
omit said lands from the tax rolls
for the year 1943, and not levy, assess
and collect any taxes upon said lands
for 1943, since the United States of
America had the equitable and bene-
ficial title to said land on January
1, 1943; and declaring an emergency."

H. B. No. 197, A bill to be entitled
"An Act to amend Section 18, Chapter
41, Acts of the First Called Session
of the Fortieth Legislature, as
amended by Section 2, H. B. No. 614,
Acts of the Regular Session of the
Forty-sixth Legislature, as amended
by Section 1, H. B. No. 974, Chapter
564, Acts of the Regular Session of
the Forty-seventh Legislature, as
amended by Section 1, H. B. No. 624,
Chapter 525, Acts of the Regular
Session of the Forty-seventh Legisla-
ture, so as to provide for uniform
fees to be charged for the issuance
of delayed birth and death certificates
by the Probate Court, clerk thereof,
and the State Registrar; and to pro-
vide that any citizen of Texas wish-
ing to file the record of any birth

or death occurring inside the State of Texas not previously registered, may submit such record to the Probate Court in the county where such birth or death occurred; etc.; and declaring an emergency."

House Bill 144 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 144, A bill to be entitled "An Act amending Article 2075 of the Revised Civil Statutes of Texas, 1925, providing for a change in the taxing of stenographers fees as costs in civil cases where no record or any part thereof is made of such case; and declaring an emergency."

The bill was read second time.

Senator Cotten offered the following amendment to the bill:

Amend H. B. No. 144 by adding after the word "made" in the sixth line of Section 1 the words "of the evidence," and by adding after the word "of" in the last line of Section 1 the words "the evidence in."

Amend the caption of H. B. No. 144 to conform to the bill as amended.

(President pro tempore Mauritz in the Chair.)

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 144 by adding at the end of Section 1 and after the word "reporter," the following:

"Provided further that in all cases where a fee is authorized to be paid by this Act, the said official court reporter shall be required to report argument of counsel, when requested by either side and said court reporter shall in no case charge for such service more than Five Dollars, provided further that in case said report of argument is required to be transcribed then said court reporter may charge the amount per page as is now allowed for transcribing any other part of said record."

And amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

House Bill 144 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be sus-

pending and that H. B. No. 144 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Cotten	Morris
Graves	Shivers
Hazlewood	Sulak
Jones	Weinert
Lane	Winfield
Lanning	York
Lovelady	

Nays—4

Moffett	Stone
Moore	Vick

Absent

Ramsey

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Report of Conference Committee on Senate Bill 5

Senator Moffett submitted the following report:

Austin, Texas,
March 25, 1943.

Hon. John Lee Smith, President of the Senate,

Hon. Price Daniel, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 5, have met and beg leave to recommend that said S. B. No. 5 be passed in the form hereto attached.

Respectfully submitted,

MOFFETT,
YORK,
LANE,
MARTIN,

On the part of the Senate;

KLINGEMAN,
CHAMBERS,
BELL of DeWitt,
SVADLENK,
MARKLE,

On the part of the House.

S. B. No. 5.

A BILL

To Be Entitled

"An Act to prevent fraud in the sale of agricultural insecticides and fungicides by providing for the branding or labeling of such products sold under this Act; prohibiting the adulteration, misbranding or misrepresentation of agricultural insecticides and fungicides; providing for the coloring of certain agricultural insecticides and fungicides; defining certain words, terms and phrases, providing for registration with the Commissioner of Agriculture and for forfeiture and cancellation of registration by suit in the name of the State of Texas; providing for the examination and analysis of agricultural insecticides and fungicides; providing for the administration of this Act by the Commissioner of Agriculture; describing the powers and duties of the Commissioner of Agriculture and the State Chemist; providing for registration fees and disposition thereof; appropriating funds to administer this Act; providing penalties and fines for the violation of any provision of this

Act; providing for the search and seizure of any agricultural insecticides or fungicides under certain circumstances; providing for the condemnation and forfeiture of such insecticides and fungicides by legal process; exempting retail dealers from registration of products and payment of registration fees under certain conditions; exempting household insecticides, disinfectants and deodorants from provisions of Act; providing for a saving clause; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. (a) The term "agricultural insecticide" as used in this Act shall include any substance or mixture of substances offered for use for preventing, destroying, repelling, or mitigating any insects or pests which may infest agricultural crops, including fruits, vegetables, ornamentals, shade and forest trees.

(b) The term "Paris green" as used in this Act shall include the product sold as Paris green and chemically known as aceto-arsenate of copper.

(c) The term "calcium arsenate" as used in this Act shall include the product or products sold as calcium arsenate and consisting chemically of products derived from arsenic acid (H₃ ASO₄) by replacing one or more hydrogen atoms by calcium.

(d) The term "fungicide" as used in this Act includes any substances or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi, including rusts, smuts, mildew, molds, yeasts, and bacteria that may infest vegetation.

(e) The term "insect" shall include the forms of life to which the term insects is technically applied.

(f) The term "pests" shall include mites, ticks, rodents and weeds, and all other things generally referred to as pests; provided, however, that the specific enumeration included herein shall not exclude under this definition those things generally referred to as pests.

Sec. 2. For the purpose of this Act a product shall be deemed to be adulterated in the following cases:

(a) In the case of Paris green: First, if it does not contain at least

fifty (50%) per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half ($3\frac{1}{2}\%$) per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

(b) In the case of powdered standard lead arsenate, also known as acid or diortho lead arsenate: First, if it contains total arsenic equivalent to less than thirty (30%) per centum of arsenic oxide (AS205); second, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths ($75/100\%$) per centum of arsenic oxide (AS205); third, if any substance has been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength, provided, however, that extra water may be added to lead arsenate if the resulting mixture is labeled arsenate of lead and water, the percentage of extra water being plainly and correctly stated on the label.

(c) In the case of calcium arsenate: First, if it contains total arsenic equivalent to less than forty (40%) per centum of arsenic oxide (AS205); second, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths ($75/100\%$) per centum of arsenic oxide (AS205); third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

(d) In the case of agricultural insecticides or fungicides, other than Paris green, lead arsenate and calcium arsenate; first, if its strength or purity fall below the professed standard of quality under which it is sold; second, if any substance has been mixed and packed with it so as to reduce, lower or injuriously affect its quality or strength; third, if it is intended for control of insects or diseases on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects or diseases, shall be injurious to such vegetation when properly used, except in the case of weed killing chemicals.

Sec. 3. It shall be unlawful to sell or offer for sale within the State,

any white powdered agricultural insecticide or fungicide, highly toxic to man, unless such agricultural insecticide or fungicide is distinctly colored.

Sec. 4. For the purpose of this Act an article shall be deemed misbranded:

(a) If it be an imitation or offered for sale under the name of another article.

(b) If it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package unless relabeled to conform with the provisions of this Act.

(c) If the statements required in Section 5 are not branded or set forth on the label of each package.

(d) If any false or misleading statements are made on the package or in any printed matter accompanying the package.

Sec. 5. All corporations, firms, or persons, before selling or offering for sale any agricultural insecticide or fungicide for use within this State, shall brand or attach to each package a plainly printed statement, showing the brand or name of said insecticide or fungicide, the net weight, or volume if liquid, of the contents of the package, the name and address of the corporation, firm, or person registering said insecticide and the minimum percentage guaranteed to be present, of total arsenic, and the maximum percentage of water-soluble arsenic if such are present, and the names and percentage amounts of each inert ingredient, or, in place of the names and percentage amounts of each inert ingredient, the names and percentage amounts of each and every ingredient having insecticidal or fungicidal properties, and the total percentage of inert ingredients. All branding or labeling must be durable and legible, and so placed and arranged as to be easily read.

If any form of mineral oil is a component part, or the whole of an agricultural insecticide or fungicide intended to be used on vegetation the label shall further show the minimum guaranteed percentage by weight or by volume of the amount of mineral oil present, the minimum guaranteed

unsulphonated residue of said oil expressed in percentage of said oil.

The label on sulphur and mixtures containing same shall further show the percentage of sulphur present. In the case of ground sulphur the minimum guaranteed degree of fineness of the sulphur, according to methods generally recognized by the sulphur industry, also shall be shown.

Sec. 6. (a) All firms, corporations, or persons, now or hereafter engaged in selling agricultural insecticides or fungicides, before selling or offering for sale any agricultural insecticide or fungicide for use as an agricultural insecticide or fungicide within this State, shall annually file with the Commissioner of Agriculture an application for registration giving the information required by Section 5 of this Act; provided, however, that all firms, corporations, or persons, now, at the time of the passage of this Act, selling or offering for sale any agricultural insecticide or fungicide for use as an agricultural insecticide or fungicide within this State, shall have thirty (30) days from the effective date of this Act within which to file first applications for registration as required by this Act.

(b) A copy of the label to be attached to each package shall be filed with the Commissioner of Agriculture on or before delivery to the dealers, agents or consumers in this State; and such label shall truly set forth the date required in Section 5 of this Act; and be otherwise in accordance with the provisions of this Act. On receipt of the application for registration above described, the registration fee, and the copy of the label, and after all other requirements of this Act have been complied with, the Commissioner of Agriculture shall issue a certificate of registration for the agricultural insecticide or fungicide, which shall be in force until the succeeding September first.

(c) Any firm, corporation, or person, who has registered agricultural insecticides or fungicides for sale within the State of Texas, shall furnish upon request of the Commissioner of Agriculture, within five (5) days of receipt of such request, a statement showing the official name of the agricultural insecticide or fungicide and the names and addresses of a reasonable number, not

exceeding ten persons, within the State of Texas, to whom it has been sold.

(d) Whenever it shall appear to the Commissioner of Agriculture that any firm, corporation, or person is selling or offering for sale any misbranded or adulterated agricultural insecticide or fungicide for use in this State as an agricultural insecticide or fungicide which has been registered under the provisions of this Act, it shall be the duty of the Attorney General, or any District or County Attorney of this State, upon request of the Commissioner of Agriculture, in addition to any other remedies, to institute a civil suit in the District Court of the proper county in the name and on behalf of the State of Texas, as plaintiff, and in the name of the firm, corporation, or person, to whom the registration certificate was issued for such agricultural insecticide or fungicide, as defendant, to forfeit and cancel such registration, and service shall be had as in other civil cases. Any and all suits brought by the State under this Section must be brought in Travis County, or in the county of the domicile or residence of the manufacturer of the agricultural insecticide or fungicide, or in the county where the agricultural insecticide or fungicide was sold or offered for sale, or in the county where the agricultural insecticide or fungicide was to be used or is used as an agricultural insecticide or fungicide.

If upon the trial of such cases it shall be determined that said agricultural insecticide or fungicide is misbranded or adulterated within the meaning of this Act, then the registration of such agricultural insecticide or fungicide shall be forfeited and cancelled and the sale of such misbranded or adulterated agricultural insecticide and fungicide shall be enjoined in accordance with the judgment of the court.

In all proceedings begun under this Section, either party may demand trial by jury of any issue of fact joined in any such case, and either party shall have the right of appeal as in other civil cases. All suits instituted under this Section shall be advanced for trial and be determined as expeditiously as possible and no postponement thereof or continuance

shall be granted except for reasons deemed imperative by the court.

The Texas rules of civil procedure shall govern the procedure in all proceedings begun under this Section, except that no bond for injunction shall be required of the State of Texas, and except as otherwise provided herein.

Sec. 7. The Commissioner of Agriculture in person or by duly authorized representative shall have the power to enter into any building or place owned, controlled or operated by a registrant or dealer where, from probable cause, it reasonably appears that said building or place contains agricultural insecticides or fungicides, for the purpose of inspection or sampling, and shall have the power to take a sample for analysis, not exceeding two pounds, from any package or lot of agricultural insecticides or fungicides found within the State, and said samples shall be sealed and transmitted directly to the State chemist at the Agricultural and Mechanical College of Texas at College Station. Upon the request of the Commissioner of Agriculture, it shall be the duty of the State chemist to make such examination and analysis or to have the same made by duly authorized representative under his direction. All of such analyses shall be made by the methods of the Association of Official Agricultural Chemists of North America, if the necessary method has been adopted, or in the absence of such method, the State chemist shall be authorized to select a method.

Sec. 8. (a) If it shall appear from the examination and analysis of any such samples that the same are misbranded or adulterated within the meaning of this Act, the State chemist shall certify the results to the Commissioner of Agriculture, who shall cause notice thereof to be given to the manufacturer of said products, and said notice shall be accompanied by a copy of said analysis so made, together with a statement by said Commissioner as to where such samples were taken. A portion of any sample taken for examination and analysis shall be furnished by the State chemist to the manufacturer of such product upon his request being made within thirty (30) days after receipt of such notice and statement.

It shall be the duty of each prosecuting attorney of this State to whom the Commissioner of Agriculture shall report any violation of this Act to cause appropriate proceedings to be commenced and prosecuted in the proper courts of this State, without delay, for the enforcement of the penalties as in such case herein provided.

(b) The Commissioner of Agriculture and the State chemist shall issue at least one joint report annually setting forth the analyses of Agricultural insecticides and fungicides made under the provisions of this Act, the operation of this law, and such other information concerning violation of the law, or operations of this Act, or otherwise, as may be considered necessary; provided, however, that the Commissioner of Agriculture and the State chemist shall in no event be authorized or permitted to divulge to any person any trade secrets, formulas, or practices of any person, firm or corporation subject to this Act.

Sec. 9. Any person not a dealer in, or agent for, the sale of any agricultural insecticides or fungicides, who may purchase any agricultural insecticides or fungicides for his own use within this State and not for sale, may submit a sample of same for analysis, to the State chemist, whereupon it shall be the duty of said State chemist to make an analysis of said insecticides or fungicides for ingredients, which said analysis shall be made according to a method given by the Association of Official Agricultural Chemists or the American Society for Testing Materials, or, in the absence of such method, then, in accordance with accepted methods. The said State chemist shall be permitted to charge a fee for the said analysis not in excess of Three (\$3.00) Dollars, which said fee shall be remitted to the State Treasury to the account of the General Fund of the State of Texas.

Sec. 10. For the sole purpose of defraying the expenses connected with the inspection of agricultural insecticides or fungicides sold, or exposed or offered for sale, in this State, and with the making of examinations and analyses thereof, all firms, corporations, or persons engaged in the manufacture or sale of agricultural in-

secticides or fungicides shall, in place of a tonnage tax, pay annually to the Commissioner of Agriculture an inspection tax of Twenty-five (\$25.00) Dollars for registration of each agricultural insecticide and fungicide, provided that the total of the registration fees for any one firm shall not exceed One Hundred (\$100.00) Dollars, but in cases where the registration fees have been paid, either by the manufacturer, or by the jobber, as required by this Section, then in that event nothing in this Section shall be construed as applying to retail dealers selling agricultural insecticides and fungicides. All such registration fees collected shall be deposited with the State Treasurer and shall be paid into the General Revenue Fund of the State of Texas.

Sec. 11. The sum of One Thousand (\$1,000.00) Dollars is hereby appropriated to the Commissioner of Agriculture out of any monies in the State Treasury not otherwise appropriated, and the sum of Five Hundred (\$500.00) Dollars is hereby appropriated to the Agricultural and Mechanical College of Texas out of any monies in the State Treasury not otherwise appropriated to be used by the State chemist under the direction of the Board of Directors of said college, for the purpose of carrying out the provisions of this Act until September 1, 1943.

Sec. 12. Every firm, corporation, or person who shall sell or offer for sale any agricultural insecticide or fungicide without having attached thereto such statements as are required by law, or who shall sell or offer for sale any adulterated or misbranded agricultural insecticide or fungicide within the meaning of this Act, or who shall violate any other provisions of this Act, shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars for each offense.

Sec. 13. (a) A search warrant may issue under Title 6 of the Code of Criminal Procedure for the purpose of securing for and seizing any agricultural insecticide or fungicide sold, offered or exposed for sale within this State in violation of any provision of this Act. Search warrants may be issued by any mag-

istrate upon the affidavit of the Commissioner of Agriculture in person or by his duly authorized representative, or of any other person, setting forth the name or description of the owner or person in charge of the premises to be searched, or stating that his name and address are unknown, the address and description of the premises, the description of the agricultural insecticide or fungicide, the grounds for belief that the described premises is a place where agricultural insecticides or fungicides have been sold, offered or exposed for sale in violation of the provisions of this Act. All such agricultural insecticides or fungicides shall be seized by the officer executing the warrant and shall not be taken from the custody of any officer by writ of replevin nor any other process but shall be held by such officer to await final judgment in the proceedings.

(b) Except as herein provided, the application, issuance, and execution of any such search warrant and all proceedings relative thereto shall conform to the provisions of Title 6 of the Code of Criminal Procedure.

(c) It is not intended by the provisions of this Section that a search warrant shall be required for the Commissioner of Agriculture in person or his duly authorized representative to take samples of agricultural insecticides or fungicides as provided in Section 7 of this Act.

Sec. 14. (a) Any agricultural insecticide or fungicide that is adulterated or misbranded within the meaning of this Act shall be liable to be condemned, confiscated, and forfeited by a civil suit brought in the District Court of the county where said agricultural insecticide or fungicide is located, in the name of the State of Texas, as plaintiff, and in the name of the owner thereof or the name of the person, firm, or corporation selling, offering or exposing same for sale, as defendant, and service shall be had as in other civil cases. If upon a trial of said case it shall be determined that said agricultural insecticide or fungicide is misbranded or adulterated, within the meaning of this Act, then the same shall be disposed of by destruction or sale in accordance with the judgment of the court, and the proceeds thereof, if sold, less the legal

costs and charges, shall be paid into the General Fund of the State of Texas.

(b) District and County Attorneys shall file forfeiture and condemnation suits under this law at the request of the Commissioner of Agriculture, but in the event any County or District Attorney fails or refuses to do his duty, then upon the request of the Commissioner of Agriculture, it shall be the duty of the Attorney General to file such suits. In all proceedings begun under this Section, either party may demand trial by jury of any issue of fact joined in any such case, and either party shall have the right of appeal as in other civil cases.

(c) All suits brought under this Section shall be advanced for trial and be determined as expeditiously as possible and no postponement thereof or continuance shall be granted except for reasons deemed imperative by the Court.

(d) The Texas Rules of Civil Procedure shall govern the procedure in all proceedings begun under this Section, except that no bond for injunction shall be required of the State of Texas, and except as otherwise provided herein.

Sec. 15. Section 6 of this Act shall not be construed as applying to retail dealers selling agricultural insecticides or fungicides when the manufacturer or jobber of such insecticides or fungicides has registered such products as required by this Act.

Sec. 16. This Act shall not apply to the sale of household insecticides, household disinfectants, and household deodorants.

Sec. 17. If any Section, Subsection, clause or phrase of this Act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 18. The fact that there is a definite and immediate need for an agricultural insecticide and fungicide law in this State creates an impera-

tive public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended, and said rule is hereby suspended; and this Act shall take effect and be in force, from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

House Bill 398 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 398, A bill to be entitled "An Act to amend Section 4 of S. B. No. 165, Acts of 1931, Forty-second Legislature, page 280, Chapter 165, as amended by Acts 1937, Forty-fifth Legislature, page 405, Chapter 204, Section 1, and by Acts 1939, Forty-sixth Legislature, page 135, Section 1, so as to increase fees of filing reports of Loan and Brokerage Companies, and allowing commissioner for good cause shown to extend time for filing reports by such companies for not more than sixty days; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 398 by adding thereto a new Section and reading as follows:

"Section The State of Texas through its Attorney General, or any District or County Attorney, may institute a suit in the District Court to enjoin any person, firm, or corpora-

tion or any officer, agent, servant or employee of such person, firm, corporation who is engaged in the business of habitually loaning money for the use and detention of which usurious interest has been charged against or contracted to be paid by the borrower, from demanding, receiving or by the use of any means attempting to collect from the borrower usurious interest on account of any loan, or from thereafter charging any borrower usurious interest, or contracting for any usurious interest. All persons, firms, or corporations, and their agents, officers, servants and employees similarly engaged in making loans of money as herein defined, who reside in the same county, may be enjoined in a single suit and no plea of misjoinder of parties defendant shall ever be available to any defendant in such suit.

"By the term 'habitually' as used in this Act, is meant the engaging of as many as three loans on which or in connection with which usurious interest is charged or contracted for within a period of six months next preceding the filing of any such suit.

"By the term 'usurious interest' as used in this Act, is meant interest at a rate in excess of ten per centum per annum. Nothing in this Section shall in any way modify, alter or change any valid provision of Article 8 of Chapter V of H. B. No. 79, Acts Regular Session Forty-eighth Legislature. 'Interest within the meaning of this Section shall not include any valid service charges now or hereafter authorized by law.'

"In any such suit venue shall lie in the county of the residence of a defendant, or in a county where such business of loaning money is being conducted by such defendant.

"If any paragraph, sentence, phrase, or part of this Section shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions thereof."

Senator Lane raised the point of order that the amendment is not germane to the original purposes of the bill.

President pro tempore Mauritz sustained the point of order.

The bill then was passed to third reading.

House Bill 398 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 398 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—22

Aikin	Moffett
Brownlee	Moore
Cotten	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Stone
Lanning	Sulak
Lovelady	Vick
Martin	Weinert
Mauritz	Winfield
Metcalfe	York

Nays—2

Beck	Graves
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Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—20

Aikin	Moffett
Brownlee	Moore
Cotten	Morris
Jones	Ramsey
Lane	Shivers
Lanning	Stone
Lovelady	Sulak
Martin	Weinert
Mauritz	Winfield
Metcalfe	York

Nays—4

Beck	Hazlewood
Graves	Vick

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

House Bill 400 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 400, A bill to be entitled "An Act to amend Section 2 of S. B. No. 165, Acts of 1931, Forty-second Legislature, page 280, Chapter 165, as amended by Acts 1937, Forty-fifth Legislature, page 405, Chapter 204, Section 1, and by Acts 1939, Forty-sixth Legislature, page 135, Section 1, so as to change the method of computing examination fees of Loan and Brokerage Companies, providing for the deposit of such fees with the State Treasurer; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 400 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 400 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Cotten
Beck	Graves
Brownlee	Jones

Lane	Ramsey
Lanning	Shivers
Lovelady	Stone
Martin	Sulak
Mauritz	Vick
Metcalf	Weinert
Moffett	Winfield
Moore	York
Morris	

Nays—1

Hazlewood

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

House Bill 43 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 43, A bill to be entitled "An Act validating, confirming, approving and legalizing all warrants heretofore authorized and issued by any county for the purpose of constructing a live stock and agricultural exhibition building within said county where such live stock and agricultural exhibition building has been constructed, and validating confirming, approving, and legalizing all bonds heretofore authorized for the purpose of funding and paying such warrants, providing that this Act shall not apply to any proceedings authorizing such warrants or bonds where the validity of either of such warrants or bonds is now being contested in any pending suits; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 43 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hazlewood
Beck	Jones
Brownlee	Lane
Cotten	Lanning
Graves	Lovelady

Martin	Shivers
Mauritz	Stone
Metcalfe	Sulak
Moffett	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Metcalfe
Beck	Moffett
Brownlee	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—1

Moore

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

House Bill 298 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 298, A bill to be entitled "An Act amending Subsection 110, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 85, Chapter 14, Acts of the Regular Session of the Forty-first Legislature, changing the time and term of holding the 110th Judicial District Court in Briscoe, Floyd, Motley, and Dickens Counties, constituting the 110th Judicial District of Texas; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 298 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 298 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

House Bill 331 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 331, A bill to be entitled "An Act authorizing the Game, Fish

and Oyster Commission to sell one-tenth (1/10) acre of land situated in Kerr County, Texas, providing that abstracts or title insurance may be secure; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 331 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 331 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

House Bill 109 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 109, A bill to be entitled "An Act amending Article 1939 of the Revised Civil Statutes of Texas 1925, providing for the registering of the official discharge of the members of the Armed Forces of the United States of America and Armed Force Reserve of the United States of America and of Auxiliary Units of the Armed Forces and Armed Force Reserve of the United States of America; providing the method and place of recording, providing that the county clerk shall do the recording; providing that no charge shall be made for recording; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 109 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 161 Tabled Subject to Call

The President pro tempore laid before the Senate as a special order for this hour:

S. B. No. 161, A bill to be entitled "An Act relating to certain officers and employees of the State of Texas and all political subdivisions thereof; defining military service; providing that the absence of any such officer or employee in the military service shall not create a forfeiture of, or vacancy in the office or position, but shall merely create a temporary vacancy; providing for the appointment of a person to fill temporarily the office or position held by any such officer or employee during his absence in the military service, and prescribing the term of office, rights, powers, duties, authority, jurisdiction, compensation, and liabilities of the person so appointed; and providing that any such officer or employee so absenting himself in the military service shall not receive any compensation during his absence."

On motion of Senator Weinert, the bill was tabled subject to call.

Senate Bill 324 on Second Reading

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 324, A bill to be entitled "An Act to amend Subsection 22 of Article 199, Title 8, of the Revised Statutes of Texas, so as to change the time and terms of holding the 22nd District Court in Austin, Hays, Caldwell, Fayette, and Comal Counties, constituting the Twenty-second Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under this Act; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 324 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 324 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

**Committee Substitute Senate Bill 126
on Second Reading**

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.B. No. 126, A bill to be entitled "An Act amending Article 7151 of the Revised Civil Statutes of Texas, 1925, providing for the partial release from liability for all ad valorem taxes for the year 1943 and subsequent years where property is acquired by purchase or condemnation by the United States Government or any tax exempt instrumentality thereof; providing for the repeal of all conflicting laws; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Jones asked unanimous consent to strike out Section 2 of the bill and to amend the caption accordingly.

There was no objection offered, and it was so ordered.

The bill then was passed to engrossment.

**Committee Substitute Senate Bill 126
on Third Reading**

Senator Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 126 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Fain
Chadick	Formby

Kelley
Lemens

Spears

The President pro tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Senate Bill 195 on Second Reading

On motion of Senator Beck, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 195, A bill to be entitled "An Act authorizing the appointment by the District Attorney of an assistant in Judicial Districts composed of two or more counties where the District Attorney is absent by reason of being a member of the Armed Forces of the United States of America; fixing the compensation of said assistant, and providing for the manner in which same shall be paid; and declaring an emergency."

The President pro tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Beck offered the following amendment to the bill:

Amend S. B. No. 195 by adding a new Section to be numbered "Section 1. (a)" to read as follows:

"The District Attorney shall within five (5) days after appointing an Assistant District Attorney notify the District Judge or District Judges of

his District in writing of said appointment."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 195 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Spears
Formby	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 25, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 136, A bill to be entitled "An Act to amend Article 6954, Title 121, of the Revised Civil Statutes of Texas, 1925, as amended Acts 1937, Forty-fifth Legislature; etc.; and declaring an emergency."

S. B. No. 101, A bill to be entitled "An Act to amend Article 7005 and Section 2 of Article 7008 of the Revised Civil Statutes of the State of Texas of the year 1925 codification, as amended by the Acts of the Forty-fifth Legislature, striking the County of Deaf Smith from the exempted list of counties named in such Article; etc.; and declaring an emergency."

S. B. No. 140, A bill to be entitled "An Act amending Subsection 50, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 85, Chapter 14, Acts of the Regular Session of the Forty-first Legislature; changing the time and term of holding the 50th Judicial District Court in Baylor, Knox, King, and Cottle Counties, constituting the 50th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and districts as herein fixed; validating the summoning of grand and petit juries under this Act; and declaring an emergency."

S. B. No. 181, A bill to be entitled "An Act providing that it shall hereafter be lawful to use one dog for the purpose of trailing a wounded deer in the County of Hardin."

S. B. No. 185, A bill to be entitled "An Act making a specific appropriation out of the General Revenue Fund of the State of Texas not otherwise appropriated, to pay a judgment obtained by National Biscuit Company against the State of Texas pursuant to the resolution granted by the State

of Texas to the said National Biscuit Company authorizing it to sue the State of Texas for the recovery of filing fees and franchise taxes paid to the Secretary of the State of Texas, which filing fees and franchise taxes the Courts of the State of Texas held to have been illegally collected; etc.; and declaring an emergency."

S. B. No. 40, A bill to be entitled "An Act to prescribe venue of actions and suits for collection of delinquent ad valorem taxes on real and personal property."

The House has adopted the Conference Committee report on S. B. No. 5 by a vote of 113 yeas, 3 nays.

H. C. R. No. 77, Providing for a portrait to be painted of the late Lieutenant Duncan Hughes.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Bills Signed

The President pro tempore signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 20, A bill to be entitled "An Act repealing H. B. No. 153, Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act amending Article 1722, Revised Civil Statutes of Texas, 1925, so as to authorize the Supreme Court of Texas to transfer books, papers, and publications belonging to the Supreme Court Library in the State Capitol to the Library of the Law School of the University of Texas, to recall same, prescribing conditions for such transfer; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act making an appropriation of Three Thousand Five Hundred (\$3,500.00) Dollars to the Attorney General for the purpose of printing the Attorney General's annual and monthly opinion reports; and declaring an emergency."

(President in the Chair.)

Appointment of Special Committee

The President announced the appointment of the following committee to investigate the activities of the Brazos River Conservation and Reclamation District, in accordance with the provisions of S. R. No. 60:

Senator Weinert, chairman; Senators Moore, Lanning, Aikin, and Brownlee.

(Senator Sulak in the Chair.)

House Concurrent Resolution 76

The Presiding Officer laid before the Senate, and had read:

H. C. R. No. 76, Authorizing the House and Senate to adjourn from Thursday, March 25, 1943, until Monday, March 29, 1943.

The resolution was adopted.

House Concurrent Resolution 77

The Presiding Officer laid before the Senate, and had read:

H. C. R. No. 77, Providing for presentation of portrait of the late Lieutenant Duncan Hughes.

On motion of Senator Brownlee, and by unanimous consent, the resolution was considered immediately and was adopted.

Motion to Take up Senate Bill 67

Senator Moffett moved that the regular order of business be suspended to take up S. B. No. 67 for consideration at this time.

Question—Shall the motion prevail?

Report of Standing Committee

By unanimous consent, the following committee report was submitted at this time:

Austin, Texas,
March 25, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 336, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

METCALFE, Chairman.

Adjournment

Senator Lovelady moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m., Monday, March 29, 1943.

Senator Brownlee moved that the Senate recess to 2:30 o'clock p. m. today.

Question first recurring on the motion of Senator Metcalfe, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—12

Cotten	Martin
Graves	Metcalfe
Hazlewood	Ramsey
Jones	Weinert
Lane	Winfield
Lanning	York

Nays—11

Aikin	Moore
Beck	Morris
Brownlee	Stone
Lovelady	Sulak
Mauritz	Vick
Moffett	

Absent—Excused

Bullock	Kelley
Chadick	Lemens
Fain	Shivers
Formby	Spears

The Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, March 29, 1943.

APPENDIX**Communication**

Dallas, Texas,
March 24, 1943.

Hon. Bob Barker, Secretary of the Senate, Austin, Texas.

Dear Mr. Barker: Mrs. W. A. Thomas, a sister of Mr. Will Rayburn of Bonham, and I are deeply appreciative of S. R. No. 61 by Jones and Cotten with respect to the death of

Mr. Rayburn. The sentiments expressed therein are greatly appreciated, not only by us but by the entire Rayburn family. When an humble farmer like Will Rayburn so conducts himself as to merit the attention of our Texas Senators, one is led to believe that earnest efforts seldom go unnoticed.

I will thank you to convey to the Members of the Senate our sincere thanks.

Respectfully,

W. A. THOMAS.

FORTY-SECOND DAY

(Monday, March 29, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President pro tempore Mauritz.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Thursday, March 25, 1943, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Bullock was granted leave of absence for today on account of illness, on motion to Senator Lovelady.

Senators Formby, Fain, Spears, Lemens, and Kelley were granted leaves of absence for today and the remainder of this week on account of